

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In re ROBERTO DURAND,
Plaintiff,

Case No.: 3:23-cv-00202-MMD-CSD

ORDER

(ECF Nos. 3, 4, 5)

On May 11, 2023, pro se plaintiff Roberto Durand, an inmate in the custody of the Nevada Department of Corrections, submitted a document titled “Order to Round Up Cases.” (ECF No. 1-1). Thereafter, Plaintiff filed two applications to proceed *in forma pauperis* (ECF Nos. 3, 5) and a motion titled “Order to Round Up Cases.” (ECF No. 4).

Federal Rule of Civil Procedure 3 provides that “[a] civil action is commenced by filing a complaint with the court.” Neither of Plaintiff’s documents titled “Order to Round Up Cases” is a complaint. Rather, these documents ask the Court to schedule settlement discussions for Plaintiff’s other pending lawsuits. Moreover, Plaintiff’s applications to proceed *in forma pauperis* are not complete because **Plaintiff did not include an inmate trust fund account statement for the previous six-month period with either application.**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
4 See 28 U.S.C. § 1915(b).

5 It is therefore ordered that **on or before August 4, 2023**, Plaintiff will submit a
6 complaint to this Court.

7 It is further ordered that the applications to proceed *in forma pauperis* (ECF Nos. 3,
8 5) are denied without prejudice.

9 It is further ordered that the motion to round up cases (ECF No. 4) is denied.

10 It is further ordered that Plaintiff has **until August 4, 2023**, to either pay the full
11 \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with
12 all three required documents: (1) a completed application with the inmate's two signatures
13 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
14 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
15 previous six-month period.

16 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
17 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
18 to refile the case with the Court, under a new case number, when Plaintiff can file a
19 complaint and a complete application to proceed *in forma pauperis* or pay the required
20 filing fee.

21 The Clerk of the Court is directed to send Plaintiff Roberto Durand the approved
22 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same, a copy of his
23 initiating document (ECF No. 1-1), and the approved form application to proceed *in forma*
24 *pauperis* for an inmate and instructions for the same.

25 DATED THIS 5th day of June 2023.

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UNITED STATES MAGISTRATE JUDGE